

# Senate File 313 - Enrolled

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SENATE FILE 313

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## AN ACT

RELATING TO TRAFFIC CITATIONS ISSUED FOR SCHOOL BUS WARNING  
DEVICE AND RAILROAD CROSSING VIOLATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.344A, Code 2005, is amended to read  
as follows:

321.344A REPORTED VIOLATIONS FOR FAILURE TO STOP AT A  
RAILROAD CROSSING.

1. The employee of a railroad who observes a violation of  
section 321.341, 321.342, 321.343, or 321.344 may prepare a  
written report on a form provided by the department of public  
safety indicating that a violation has occurred. The railroad  
employee may deliver the report not more than seventy-two  
hours after the violation occurred to a peace officer of the  
state or a peace officer of the county or municipality in  
which the violation occurred. The report shall state the time  
and the location at which the violation occurred and shall  
include the registration plate number and a description of the  
vehicle involved in the violation.

2. A peace officer may initiate an investigation not more  
than seven calendar days after receiving a report of a  
violation pursuant to this section. The peace officer may  
request that the owner of the vehicle supply information  
identifying the driver of the vehicle in accordance with  
section 321.484.

a. If from the investigation, the peace officer is able to  
identify the driver of the vehicle and has reasonable cause to  
believe a violation has occurred, the peace officer shall  
prepare a uniform traffic citation for the violation and shall  
serve it personally or by certified mail on the driver of the  
vehicle.

b. If, from the investigation, the peace officer has  
reasonable cause to believe that a violation occurred but is  
unable to identify the driver, the peace officer shall serve a  
uniform traffic citation for the violation on the owner of the  
motor vehicle. Notwithstanding section 321.484, in a  
proceeding where the peace officer who conducted the  
investigation was not able to identify the driver of the motor  
vehicle, proof that the motor vehicle described in the uniform  
traffic citation was used to commit the violation of section  
321.341, 321.342, 321.343, or 321.344, together with proof  
that the defendant named in the citation was the owner of the  
motor vehicle at the time the violation occurred, constitutes  
a permissible inference that the owner was the driver who  
committed the violation.

c. For purposes of this subsection, "owner" means a person  
who holds the legal title to a motor vehicle; however, if the  
motor vehicle is the subject of a security agreement with a  
right of possession in the debtor, the debtor shall be deemed  
the owner for purposes of this subsection, or if the motor  
vehicle is leased as defined in section 321.493, the lessee  
shall be deemed the owner for purposes of this subsection.

Sec. 2. Section 321.372A, subsection 2, paragraph b, Code  
2005, is amended to read as follows:

b. If, from the investigation, the peace officer has  
reasonable cause to believe that a violation of section  
321.372, subsection 3, occurred but is unable to identify the  
driver, the peace officer shall serve a uniform traffic  
citation for the violation to the owner of the motor vehicle.  
Notwithstanding section 321.484, in a proceeding where the  
peace officer who conducted the investigation was not able to  
identify the driver of the motor vehicle, proof that the motor  
vehicle described in the uniform traffic citation was used to  
commit the violation of section 321.372, subsection 3,  
together with proof that the defendant named in the citation  
was the ~~registered~~ owner of the motor vehicle at the time the  
violation occurred, constitutes a permissible inference that  
the ~~registered~~ owner was the driver who committed the  
violation.

Sec. 3. Section 321.372A, subsection 2, Code 2005, is  
amended by adding the following new paragraph:

3 6 NEW PARAGRAPH. c. For purposes of this subsection,  
3 7 "owner" means a person who holds the legal title to a motor  
3 8 vehicle; however, if the motor vehicle is the subject of a  
3 9 security agreement with a right of possession in the debtor,  
3 10 the debtor shall be deemed the owner for purposes of this  
3 11 subsection, or if the motor vehicle is leased as defined in  
3 12 section 321.493, the lessee shall be deemed the owner for  
3 13 purposes of this subsection.

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3 18 JOHN P. KIBBIE  
3 19 President of the Senate

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3 22 CHRISTOPHER C. RANTS  
3 23 Speaker of the House

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3 25 I hereby certify that this bill originated in the Senate and  
3 26 is known as Senate File 313, Eighty-first General Assembly.

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3 30 MICHAEL E. MARSHALL  
3 31 Secretary of the Senate

3 32 Approved \_\_\_\_\_, 2005

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4 1 THOMAS J. VILSACK  
4 2 Governor